

No Code International
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March 19, 1999

Via Hand Delivery

Magalie Roman Salas, Secretary
Federal Communications Commission
455-12th Street, S.W.
Washington, DC 20554

Attention: Wireless Telecommunications Bureau

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MAR 19 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: WT Docket No. 98-143, Notice of Ex Parte Presentation;
Biennial Review, Amateur Radio Part 97 Regulations

Dear Madame Secretary:

This letter, being filed in duplicate and on diskette in Adobe Acrobat Portable Document format (.pdf), along with paper copies and an Adobe Acrobat Portable Document format (.pdf) copy (on the same diskette) of the presentation materials discussed, constitutes a memorandum of an *ex parte* presentation made to Mrs. D'wana Terry, Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau and such members of her staff as she elected to have in attendance, including Mr. Herb Zeiler, Deputy Chief (Technical), Public Safety and Private Wireless Division, and Mr. William Cross.

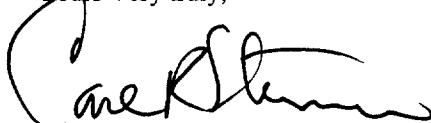
The presentation was made on behalf of No Code International by Carl R. Stevenson and William Sohl, both members of the Board of Directors of No Code International.

As outlined in the attached presentation materials, the presentation summarized No Code International's position on the restructuring of Amateur Radio Service licensing and addressed the issues raised in the Notice of Proposed Rulemaking in the Docket proceeding.

No Code International proposes a system of three license classes and the complete elimination of Morse Code testing as a requirement for all classes of amateur license. (Alternatively, NCI recommends an immediate reduction to the minimum possible Morse Code test speed, coupled with a "sunset clause" provision which would eliminate all Morse Code testing requirements at such point in time as certain modifications take place within the ITU Radio Regulations.)

Any questions concerning this presentation should be addressed to the undersigned.

Yours Very truly,



Carl R. Stevenson
Director, No Code International

cc: D'wana Terry, Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau

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Ex Parte Presentation to WTB Staff on WT Docket No. 98-143

Good Morning

- On behalf of the members and directors of No Code International, thank you for your time and the opportunity you've afforded us to make this presentation.
- Today, we would like to address potential changes in the amateur regulations which are being considered in WT Docket No. 98-143.
- Following our presentation, we would be happy to entertain any questions which you may have and to discuss any area(s) in which you might seek clarification of our position or solicit further input.



Ex Parte Presentation to WTB Staff on WT Docket No. 98-143

Introduction

- No Code International is a global, not-for-profit organization of amateur radio operators with members in 36 nations.*
 - **Our primary goal is the elimination of outdated and unnecessary Morse Code proficiency requirements as a prerequisite for any class of amateur radio license on a global scale.**
 - **We also, on a case-by-case basis, support other changes in amateur regulations designed to promote more widespread experimentation with and adoption of modern technological advances within the amateur community.**
 - **We firmly believe that such modernization is essential to enable the Amateur Radio Service to move forward into the coming century as a viable and valuable agent of technological advance and public service.**

* While our membership is globally diverse, at this time a significant majority of our members are U.S.-licensed amateurs.

Background

- The historical Reasons for Morse Code test requirements:
 - Many years ago, Morse was the only means of communicating via radio
 - In those early days of radio, it was believed that amateurs should be able to understand distress messages sent in Morse.
 - In the past, it was desirable to have a pool of Morse-trained operators readily available to be pressed into military service on short notice
 - The ITU Radio Regulations (in S25.5) obligate treaty signatories to test applicants for amateur licenses conveying privileges in the bands below 30 MHz for Morse proficiency
 - (...though S25.5 is totally silent with respect how Morse proficiency is to be proven, nor does it require any specific level of proficiency to be met.)



Ex Parte Presentation to WTB Staff on WT Docket No. 98-143

Background (continued)

- **Of all of these historical reasons for a Morse code test requirement only one has any validity today ... the S25.5 obligation in the ITU Radio Regulations.**
 - **Many more modern, more efficient means of communicating via radio exist and are readily available ... amateurs need not rely on Morse as their only (or even their preferred) means of communicating, and most don't.**
 - In fact, in a 1996 ARRL survey only 27% of amateurs reported using Morse “regularly”, with the 37% stating “rarely” and 35% stating “never.” (1% did not answer this question).
 - **Any distress call monitoring benefit which may have derived in the distant past from insisting that amateurs be Morse proficient has ceased to exist.**
 - Safety-of-life services have universally abandoned the use of Morse Code in favor of more efficient means of communicating, the Coast Guards of the world no longer even listen for “SOS” transmissions in Morse, and the international GMDSS regulations prohibit the use of Morse “SOS” calls because they are deemed too unreliable.
 - **The military no longer uses Morse code in operational, tactical, or strategic communications systems.**
 - The historical need for a “pool of trained (in Morse Code) operators” has evaporated.

Why continue to require Morse tests at all?

- There are many commonly stated opinions in answer to this question:
 - “Because it’s always been that way ...”
 - “Because Morse Code is an amateur tradition ...”
 - “Because that’s what most hams want ...”
 - “Because it’s ‘necessary’ to prevent the ARS from decaying into another ‘CB fiasco’ ...”
 - “Because, without the code test as a ‘filter,’ the bands would become overcrowded ...”
 - “Because the Morse Code test forces one to ‘work to earn one’s privileges’ ...”
 - “Because the ITU Radio Regulations require it for access to the bands below 30 MHz ...”
- Only the final statement is a valid reason for retaining any Morse Code test requirement in today’s world.
- All of the other “reasons” are either false or, if true, are simply not valid reasons to require Morse ability as a license qualification.

So what are the logical conclusions about Morse testing?

- **No Morse test at all is necessary in today's world, *except to satisfy S25.5 of the ITU Radio Regulations* ... and a 5 wpm (or less) test, or even simply a character recognition test fully meets that need.**
 - S25.5 does not require Morse testing at any specified speed.
 - It has been globally accepted for many years that a 5 wpm Morse test satisfies the S25.5 requirement (the US Novice and Technician Plus classes are just one example ... other countries have “slow-code” licenses with some HF access).
 - **In the near future, even this last remaining reason (S25.5) for maintaining any Morse testing at all will likely disappear.**
 - There is a groundswell of global support in the amateur community for eliminating the S25.5 requirement from the ITU Radio Regulations.
 - It is highly likely that S25.5 will be completely eliminated from the ITU Radio Regulations at a WRC in the not-too-distant future.
-

**If a 5 wpm Morse test adequately meets the S25.5 requirement, why do we
have fast code tests?**

- Because, until recently, the Commission has apparently believed “That’s what the majority of U.S. amateurs want.”
- Because fast code testing was originally instituted to limit the number of people seeking and obtaining amateur licenses.
 - (circa 1936 ... when the amateur population was approximately 46,000 and the ARRL felt that the bands were “approaching saturation” ... for details see the article on the NCI website at <http://www.nocode.org/articles/filter.htm>)
- Because old myths die hard, historically resulting in an outcry from the minority of hard-core Morse enthusiasts whenever eliminating or reducing Morse testing is proposed or even mentioned.
 - “CW (Morse) gets through when nothing else will.”
 - “CW (Morse) is an essential component of emergency communications.”
 - “(‘Real’) Hams use CW (Morse) ... without CW (Morse), ham radio would be like CB.”
 - (and others ad infinitum ... all equally false and totally irrelevant in the regulatory sense)



Ex Parte Presentation to WTB Staff on WT Docket No. 98-143

What should the Commission do about Morse testing at this juncture?

- **Eliminate Morse testing requirements for *all* classes of license, *if at all possible*.**
 - **If the complete elimination of Morse test requirements is determined to be impossible because of ITU Radio Regulation S25.5, take the following approach:**
 - Eliminate all Morse tests, except for a single test at the minimum rate deemed to be ITU compliant (not to exceed 5 wpm at most) for all amateur licenses
 - Include in the wording of the new Rules a “sunset clause” which stipulates that at such time in the future as S25.5’s Morse testing requirements are stricken from the ITU Radio Regulations, the Commission’s Rules will be automatically modified, as necessary, to eliminate all remaining requirements for Morse testing as a condition for obtaining any amateur license under the Commission’s Rules.
 - **Existing provisions for Morse testing by Volunteer Examiners should remain as they are, except for the elimination of Morse tests at speeds beyond 5 wpm.**
 - There is no need to eliminate multiple-choice tests or return to the “one minute of solid copy” method of years ago.
-

How will reducing or eliminating Morse testing benefit the ARS? (#1)

- It will stimulate growth and turn around the decline which the ARS is currently experiencing:
 - Amateur growth has ceased, except in the (no-code) Technician class and the growth rate there has dropped dramatically from a few years ago.
 - The total number of higher class (General, Advanced, and Extra) licensees has declined each year for the past several years.
 - The number of license exams given has declined dramatically in the past four years, with less than half as many applicants taking exams in 1998 as in 1994.
- These trends are unhealthy and, if not reversed, do not bode well for the future of amateur radio.



Ex Parte Presentation to WTB Staff on WT Docket No. 98-143

How will reducing or eliminating Morse testing benefit the ARS? (#2)

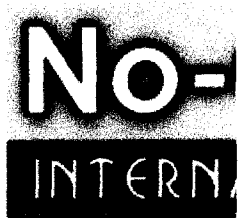
- It will help to reverse unhealthy trends in amateur demographics.
 - The total number of higher class (General, Advanced, and Extra) licensees has declined each year for the past several years.
 - The average age of amateurs holding a General class or higher license is approximately 63 years of age (according to the most recent statistics available).
 - Technician and Technician Plus licensees are not upgrading in meaningful numbers.
 - In 1988, approximately 60% of all amateurs held General class or higher (fast code) licenses.
 - In 1998, approximately 60% of all amateurs held a no-code Technician or a slow code Technician Plus or Novice license.
 - If this trend continues, in a relatively small number of years there will be hardly any higher class licensees if nothing is done to promote upgrading.
- Since virtually all of the growth in amateur radio has come from the no-code Technician class in recent years, it is relatively plain to see that the Morse requirement is the major discouraging factor in obtaining, or upgrading, an amateur license.



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How will reducing or eliminating Morse testing benefit the ARS? (#3)

- **It will promote a higher average level of technical proficiency amongst licensees.**
 - Both of us here today representing NCI are technical professionals and long-time amateurs who were drawn to our careers because of our interest in amateur radio in our youth. We have both, over the course of lengthy careers tried to recruit many of our technical associates into ham radio ... people who would make good amateur operators and who could contribute significantly to the ARS as mentors, experimenters, and developers ... but only a minority are willing to “jump through the code hoop”. Amateur radio has been the loser in this situation.
 - Additionally, while the level of difficulty varies widely from person to person, achieving 13 wpm or 20 wpm Morse proficiency requires a significant amount of time and effort ... time and effort that could, *and likely would*, be spent gaining more technical knowledge and skill, or becoming better trained and prepared for emergency and public service communications, *were it not necessary to devote that time and effort instead to preparing to pass test in a mode that most amateurs admit they rarely or never use.*
 - The (easily millions) of man-hours expended by amateurs over the past few decades in becoming proficient enough at Morse to pass a test, only to “throw the key away” and never or rarely use Morse again, would have been FAR better devoted to other, more productive, amateur radio studies and pursuits.



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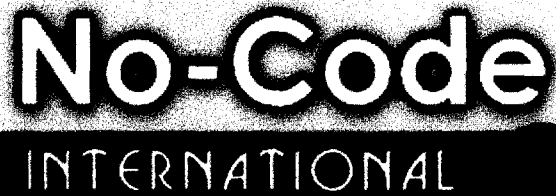
March 19, 199

Would other countries object to such testing changes by the U.S.?

- In short, the answer would appear to be “No!”
 - Other countries are beginning to convert their “slow code” licenses into “full privilege” licenses (Germany, for example) or to reduce the maximum Morse test speed (Argentina recently reduced it’s maximum code speed to 7 wpm)
 - The Radio Society of Great Britain (RSGB) has stated that it can no longer support the retention of S25.5 in the ITU Radio Regulations and is reportedly working with British authorities to create a 5 wpm “full privilege” license.
 - In Canada, the Radio Amateurs of Canada (RAC) has taken a similar stance and it is expected that Industry Canada will expand the HF privileges of their “slow code” licensees in the near future.
 - With the groundswell of support internationally for the elimination of S25.5’s Morse testing requirements from the ITU Radio Regulations, it’s only a matter of a relatively short time before Morse testing is a thing of the past world-wide.
 - Finally, according to the CEPT agreement which the U.S. has entered into, U.S. Technician Plus licenses with only a 5 wpm Morse test would be afforded full amateur privileges as visitors in CEPT signatory countries.

Summary of NCI's recommendations to the Commission on Morse testing

- Eliminate all Morse testing for all classes of license, *if at all possible*.
- Alternatively:
 - Eliminate all Morse tests, except for a single test at the minimum rate deemed to be ITU compliant (not to exceed 5 wpm at most) for all classes of amateur license.
 - Incorporate a “sunset clause” into the new Rules to avoid the unnecessary time, expense, and diversion of resources that revisiting this issue will require when S25.5 is eliminated from the ITU Radio Regulations.
- Keep existing testing methods and procedures, as currently implemented by the VEC/VE system “as is” ... do not return to the old-fashioned system of “one minute of solid copy” test methods.



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How many license classes should (need) there be?

- NCI agrees with the Commissions assumptions in the NPRM that the current licensing system is unnecessarily complicated and should be simplified.
 - NCI's position on the issue of license classes is as follows:
 - We believe that 3 classes of license are quite sufficient to provide an adequate incentive to prompt licensees to expand their skills and knowledge of electronics, radio communications techniques, and public safety and emergency communications.
 - NCI believes that the 4 class system proposed by the ARRL is unnecessarily complex and that its basic purpose is to attempt to "justify" the unnecessary 12 wpm code tests which the ARRL has proposed for the two higher classes in its proposal and to pacify high speed Morse-tested licensees which constitute a significant portion of the ARRL's core constituency.
 - NCI believes that the Advanced and Extra classes could be easily combined, eliminating unnecessary complexity that adds little or no value and reducing the administrative burden on both the VEC/VE system and the Commission.
 - In summary, NCI believes that Technician, General, and Extra classes constitute the best structure, as outlined in our previously filed comments.
-

Why should the Commission follow NCI's recommendations?

- The body of comment in WT98-143 shows significant support for both the elimination of Morse testing (or a reduction to no more than 5 wpm maximum, coupled with a “sunset clause”) and a reduction to a total of 3 license classes (Technician, General, and Extra).
 - NCI reviewed all of the comments made public in the Commission's ECFS and performed an analysis of the support for what resolved, in essence to three major positions:
 - No change, preserve the status quo
 - The ARRL proposal (presented to the Commission in a letter dated July 22, 1998)
 - NCI's alternative proposal (presented to the Commission in a letter dated July 27, 1998)
 - A summary of the results of the aforementioned analysis is presented in the following pages
-

How the comments were categorized

- Comments stating that the current system of license classes and code tests were fine and should be left as they are, those who actually suggested raising code test speeds, and those who specifically stated support for the current 5/13/20 wpm code test structure were categorized as “code” comments.
- Comments stating support for the ARRL proposal (or some minor variant thereof which retained code testing at any speed above 5 wpm maximum) were categorized as “ARRL” comments.
- Comments stating support for the NCI proposal, supporting the complete elimination of all code tests, or supporting at most a maximum code test speed of 5 wpm for all license classes were categorized as “no code” comments.
- We found that the comments stratified quite readily into the above three categories. 94 comments stated no discernable position on code testing. Duplicate comments totaling 346 were detected and only counted once.
- Reply comment results were tabulated separately.

Comment results on code testing

Code Exam Proposal Summary

Sym	Code Proposal	#	%
n	No Code Comments	711	43%
c	Code Comments	607	37%
a	ARRL Comments	331	20%
		1649	100%
nr	No Code Replies	98	58%
cr	Code Replies	60	36%
ar	ARRL Replies	11	7%
		169	100%
x	Not specified	94	
z	Duplicate - proposal	346	
		2258	

Summary of Comment Results

- As can be seen from the table on the previous page, comments supporting NCI's no code position ranked the highest, totaling 43% of all comments filed (based on documents viewable on the ECFS).
 - The next most voluminous body of comment (37% of the total) came from the "pro-code" camp. However, many (though certainly not all) of these comments were little more than rants against the Commission and the ARRL, attacking one (or both) for even considering changes in licensing structure and reductions in Morse test speeds. NCI's view is that a substantial number of such comments can reasonably and justifiably be categorized as "not responsive to the NPRM" and should be dismissed out of hand by the Commission as such.
 - Finally, the ARRL proposal came in with the least support, with only 20% of the total comments supporting their 0/5/12/12 wpm proposal.
-

Summary of Reply Comment Results

- As can be seen from the analysis of the reply comments, again, the NCI/no-code position led with 58% of reply comments supporting either the total elimination of Morse testing or no more than a single 5 wpm Morse test for all classes of amateur license.
- Again the “pro-code” camp came in second with 36% support.
- Somewhat to our surprise, reply comments supporting the ARRL proposal totaled only 7% of reply comments filed ... a significant drop from their 20% initial comment support. We believe that this is attributable to the greater awareness of the “no code option” which resulted from the posting of the initial comments on the ECFS.



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A closer look at proposal support by license class

Code Proposal	Fast Code			Slow/No Code			u	All
	A	E	G	N	P	T		
ARRL	26.8%	14.4%	13.2%	30.0%	26.1%	16.8%	24.3%	20.1%
Code	39.6%	66.9%	71.5%	50.0%	7.2%	7.4%	28.0%	36.8%
No Code	33.6%	18.8%	15.2%	20.0%	66.7%	75.8%	47.7%	43.1%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Code Proposal	Fast Code			Slow/No Code			u	All
	A	E	G	N	P	T		
ARRL	3.8%	4.2%	1.2%	0.2%	6.6%	2.5%	1.6%	20.1%
Code	5.7%	19.5%	6.6%	0.3%	1.8%	1.1%	1.8%	36.8%
No Code	4.8%	5.5%	1.4%	0.1%	16.9%	11.3%	3.1%	43.1%
	14.3%	29.2%	9.2%	0.6%	25.4%	14.8%	6.5%	100.0%



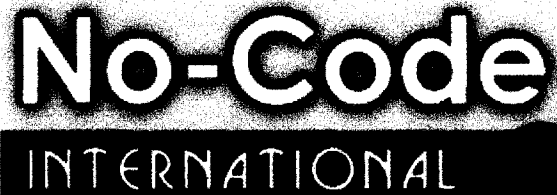
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Comment support for a 5 wpm General class license

Sym	5wpm General	#	%
n	No Code International	711	43%
a	ARRL	331	20%
5	5wpm and code	109	7%
	5wpm General	1151	70%

NCI's Interpretation of the Results

- **Clearly this is an emotional issue, with a relatively high degree of polarization in the body of comment. However, the Commission has a statutory obligation to judge the issues and promulgate its Rules solely on the basis of what is in the public interest, convenience, and necessity.**
- **The Commission also has a Congressional mandate to reduce regulation to the minimum necessary to meet its legitimate regulatory goals and, wherever possible, to eliminate unnecessary regulations that no longer serve the public interest.**
- **Despite the fact that NCI's proposal garnered the highest level of support of the three categories, we would be the first to advise the Commission that the decisions in this matter cannot, and should not, be made purely on the basis of a "popularity contest." The future of the Amateur Radio Service is, we believe, quite literally at stake in this proceeding.**
- **We believe that the position we have supported is the only position which is rationally and logically supportable, both on the basis of the body of comment and in the sense of regulation in the public interest, and that it is truly in the best interest of the amateur community and the future of amateur radio.**



Ex Parte Presentation to WTB Staff on WT Docket No. 98-143

Conclusion

- NCI hopes that the Commission will act quickly in this matter and urges the Commission to follow our recommendations, which we are convinced are in the best interests of the future of amateur radio.
- We firmly believe that Morse code can and will continue to be used by amateurs far into the foreseeable future, even if applicants for amateur licenses are not needlessly forced by unnecessary, outdated regulations to learn Morse Code as a condition of obtaining an amateur license with full privileges in the bands below 30 MHz.
- Thank you again for your time and attention, it's been a pleasure to meet with you. If you have any questions, we'll be happy to address them at this time.

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- o Microfilm, microform, certain photographs or videotape.

- o Other materials which, for one reason or another, could not be scanned into the ECFS system.

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